

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

MP *by and through her guardian VC,*
and VC, *individually on her own behalf,*
Petitioners and Counter Defendants,

v.

No. 5:20-cv-04447

PARKLAND SCHOOL DISTRICT,
Respondent and Counter Claimant.

ORDER

AND NOW, this 25th day of August, 2021, upon consideration of Defendant's Motion for Judgment on the Administrative Record, ECF No. 23, Plaintiffs' response thereto, ECF No. 28, Defendant's reply to Plaintiffs' response, ECF No. 29, Plaintiffs' Motion for Summary Judgment, ECF No. 24, Defendant's Response thereto, ECF No. 26, and Plaintiffs' reply to that response, ECF No. 27, and for the reasons set forth in the Court's Opinion issued this date, **IT IS ORDERED THAT:**

1. Defendant's Motion, ECF No. 23, and Plaintiffs' Motion, ECF No. 24, are **GRANTED in part and DENIED in part as follows:**

- a. Judgment is **ENTERED FOR DEFENDANT** and against Plaintiffs on the following claims:
 - i. Plaintiffs' claim for a denial of a FAPE;
 - ii. Plaintiffs' Section 504 discrimination claim; and
 - iii. Plaintiffs' ADA discrimination claim.
- b. Judgment is **ENTERED FOR PLAINTIFFS** and against Defendant on the following claim:

- i. Plaintiffs' claim for violation of 34 C.F.R. § 300.502(b)(2).
2. The relief prescribed by the Certified Hearing Officer for Defendant's violation of 34 C.F.R. § 300.502(b)(2) is **REVERSED**. Defendant **SHALL** provide Plaintiffs one Independent Educational Evaluation at Defendant's expense.
3. In light of this Court's reversal of the relief prescribed by the Certified Hearing Officer for Defendant's violation of 34 C.F.R. § 300.502(b)(2), Defendant's counterclaim is **DISMISSED**.
4. Having prevailed on a significant issue in this litigation, the Plaintiffs are a prevailing party and may recover reasonable attorney's fees.
 - a. **On or before September 7, 2021**, Plaintiffs shall provide this Court with documentation that establishes and substantiates their claim for attorney's fees. In addition, on or before that same date, Plaintiffs shall file supplemental briefing on the matter of the reasonable fee to be recovered, including argument as to the percentage of the fee that should be recoverable.
 - b. **On or before September 21, 2021**, Defendant shall provide a responsive supplemental brief addressing the same matters.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge